OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
DAWN CASH, DIRECTOR

PHONE (405) 521-3133
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December 21, 2007

RE: LR-07-209
Sales and Use Tax Inquiry

Dear

You had asked or stated:
(1) If confidential tax delinquency information can be disseminated to others, i.e. your towns board of adjustment?
(2) If you can obtain confidential reports showing the amount of delinquent taxes that are owed by a business and any payment arrangements that may have been made by the Oklahoma Tax Commission?
(3) You are having problems with some of your businesses not being properly registered for the .

Our response:

(1) You can not disclose any confidential information that the Oklahoma Tax Commission provides to your town's board of adjustment (pursuant to Section 205 of Title 68). You may call our legal division if you are in disagreement with this position and feel that the town's board is qualified to receive this information.

Pursuant to 68 O.S. § 2702, "the Oklahoma Tax Commission and the governing body of any incorporated city or town may enter into contractual agreements whereby the municipality would be authorized to implement or augment the enforcement, collection and prosecution of the municipal tax in those contracting municipalities and to provide for the satisfaction of refunds or credits to taxpayers. Such agreements shall and are hereby authorized to provide that the municipality and the Oklahoma Tax commission may exchange necessary information to effectively carry out the terms of such agreements. The municipality , its officers, and employees shall preserve the confidentiality of such information in the same manner and be subject to the same

penalties as provided by enforcement personnel may receive all information necessary to implement or augment the enforcement and prosecution of municipal sales tax ordinances. Any sum or sums collected or required to collected pursuant to a municipal sales tax levy shall be deemed to be held in trust for the municipality , and, as trustee, the collecting vendor shall have a fiduciary duty to the municipality in regards to such sums and shall be subject to the trust laws of this state".

The Oklahoma Tax Commission files tax warrants against entities that are delinquent for various types of taxes, these are considered public information. These warrants are filed in the county where the entity is located and clearly indicates what property the warrant affects, the entity, the type of tax and the periods that were requested to be covered. You may obtain these public records at the county courthouse where they have been filed. I must caution you, since you have records that are both confidential and public, you should only disclose public information or information that you have written consent to disclose.

(2) Confidentiality laws prohibit releasing information about amounts of taxes previously paid by a business or amounts of taxes owed to anyone other than the owner of the business or an officer of a corporation. However, the liable party may file a **Certificate Authorizing Disclosure of Taxpayer Information** (OTC Form 13-60-A at www.oktax.state.ok.us) authorizing the Tax Commission to disclose any information about taxes owed to the Oklahoma Tax Commission by a specified party. This is often used to provide information to prospective buyers of a business, who might be denied a sales tax permit due to liabilities of the previous owner.

Issues of compliance, payment arrangement, audits, and other information are considered to be confidential and in order for these matters to be discussed or released, a **Certificate Authorizing Disclosure of Taxpayer Information must be submitted.** However, tax warrants are issued for the delinquent amounts of any tax covered by an installment agreement and that tax warrant is public knowledge. As mentioned above, a tax warrant will only disclose what periods and amounts that were requested to be covered, what tax type, who it is issued to, and what property is affected.

*(**Useful tax warrant information**) After we had spoken on the phone, I thought it necessary to inform and caution you on some the discrepancies that you could face after looking at all the information that you are gathering and or receiving. The periods covered by tax warrants only cover periods that were specifically requested to be covered by a lien. Any periods, amounts, or other tax types that came after or were not included in a request to file a tax warrant, will require new tax warrants to make them public. The delinquent list we provide to the Town of Slaughterville is confidential and can be subject to delays in the posting of payments and or reporting. Please examine the tax warrants carefully before determining what you choose to disclose, as well as re-checking with the court house to see if new liens have been filed on any periods that you see or consider to be delinquent before ever considering making them public to anyone. It is important to note, that there is a delay from the time a warrant is requested and mailed out to the*

individual, and the time it becomes officially filed at the courthouse in order to give an opportunity for the warrant to be settled and withdrawn.

(3) If you have discovered that a local business is registered with the wrong city/county code for their sales taxes, you may contact our Taxpayers Assistance Division or the Compliance field representative in your area to look into it. If you do not know who this may be, you may contact Mike Waters in the Compliance Division at 405 521-3281.

This response applies only to the circumstances discussed in your written request of November 29, 2007. Pursuant to Commission Rule 710:1-3-73(e), this Letter ruling may be generally relied upon only by the entity to whom it is issued, assuming that all pertinent facts have been accurately and completely stated, and there has been no change in applicable law.

If you should have any questions, please feel free to contact me.

Sincerely,

OKLAHOMA TAX COMMISSION

Marc Morrison

Marc Morrison
Tax Policy & Research Division